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| EXAMINER | |
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| TIMBLIN, ROBERT M | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/824,449 | YOUNG ET AL. | |
| | Examiner | Art Unit | |
| | ROBERT TIMBLIN | 2167 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *09 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-34 and 36-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34 and 36-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

This Office Action corresponds to application 10/824,449 which was filed 4/14/2004. Claims 1-34 and 36-42 are pending.

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/2008 has been entered.

### *Response to Amendment*

The attachments filed on 9/9/2008 under 37 CFR 1.131 are sufficient to overcome the interpretation *In re Venner* as applied to the current application.

In regards to the amendments, the Examiner as accepted and entered amendments to claims 1-5, 8, 10-13, 15-23, 25-27, and 29-35. Examiner also notes that claims 6, 7, 9, 14, 24, and 28 have been cancelled while claims 36-42 have been added.

### *Claim Objections*

Claim 3 is objected to because line 2 of the claim states "*can* include". The Examiner respectfully requests this phrase to be reworded in a positive manner to prevent interpretation that the limitations following '*can*' do not appear optional.

Claim 19 is objected to for the same reason as claim 3.

Claim 22 is objected to because line 2 on the 8th page should read "at least one customizable agent".

Claim 26 is objected to because it depends on a cancelled claim (claim 24). Applicant is requested to renumber the claim with dependence accordingly.

Correction of the foregoing is respectfully requested.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 31, and their respective depending claims are rejected under 35 U.S.C. 101 because they lack the necessary hardware structure (e.g. a software agent is software per se) to define an apparatus.

In particular, claims 1 and 31 with their depending claims recite a method (i.e. process) that is not tied to another statutory class and/or does not transform underlying subject matter. For a process claim to be statutory under 35 U.S.C. 101 (e.g. see further *In re Bilski*, Appeal no 2007-0113), the process must (1) be tied to another statutory class (such as an apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. As claims 1 or 31 with their depending claims conform to (1) or (2) these claims are not statutory methods.

As a note regarding claims 17 and 34 with their depending claims, these claims recite the inclusion of a processing module which gains support from the disclosure (e.g. paragraph 0049) as a processing device comprised of hardware (e.g. computer circuitry). Because these claims contain such hardware, they are best seen as a statutory apparatus and *not* software per se.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 10-12, 15-22, 26, 29-32, 34, 36, 38, 39, and 41-42 are rejected under 35 U.S.C. 102(e) as being taught by Schmugar et al ('Schmugar' hereafter) U.S. Patent 6,654,751. In the following, Schmugar teaches and describes:

**With respect to claim 1**, A method for maintaining a dynamic reference repository comprising a database for storing collective knowledge, comprising the steps of:

discovering (col. 7 line 34-35, 1106) pertinent inputs (abstract; virus description data) to the dynamic reference repository (110), the pertinent inputs (abstract; virus description data) comprising data from a plurality of information resources (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add (222) to the collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110);

retrieving (col. 5 line 46-48) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) to update or add (222, col. 7 line 33-36) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository (110);

contextually mapping (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract; virus description data) to the dynamic reference repository to a specified capability (1112-1114);

the discovering (col. 7 line 34-35, 1106), retrieving (col. 5 line 46-48), and mapping (col. 5 line 66-col. 6 line 14 and figure 11) performed by an automated

software agent (100) configured to communicate (104) with the plurality of information resources (102) and the database 110) for storing collective knowledge (col. 21 line 1-11); and

distributing the pertinent inputs (abstract; virus description data) to update the dynamic reference repository (110).

**With respect to claim 2**, the method of claim 1, wherein the step of discovering pertinent inputs includes determining the pertinent inputs in a context of the specified capability (1112-1114);

wherein the automated software agent (100) is customizable by a user (108 subscriber) to define a customizable agent (100); and

wherein the method further comprises the customizable automated software agent (100):

searching (col. 6 line 34) a plurality of information resources (108) to thereby discover the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110),

cataloging (figure 10-11) the pertinent inputs to the dynamic reference repository (110), and maintaining (col. 4 line 8) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110).

**With respect to claim 3**, The method of claim 1, wherein the pertinent inputs to the dynamic reference repository can include updates made to one or more of the

plurality of information resources utilized as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times).

**With respect to claim 4**, the method of claim 1,

wherein the step of discovering pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) includes identifying updates made to one or more of the plurality of information resources utilized as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times);

wherein the step of distributing the pertinent inputs (abstract; virus description data)includes updating (222) the database within the dynamic reference repository (110); and

wherein the method further comprises providing notice of the identified updates made to the existing sources of information, to users of the dynamic reference repository (col. 4 line 20-25).

**With respect to claim 5**, the method of claim 2,

wherein the customizable agent searches, discovers, and retrieves the pertinent inputs from Internet (104) or intranet resources (col. 8 line 57-58),

wherein the customizable agent searches (100), discovers (col. 7 line 34-35, 1106), and retrieves (col. 5 line 46-48) the pertinent inputs (abstract) from subject matter experts (SMEs) (108; e.g. software companies); and

wherein the customizable agent further comprises utilities to conduct SME reviews, assessments or interviews (figure 9b).

**With respect to claim 10**, the method of claim 2,

wherein, the customizable agent searches are developed using a graphical user interface (421) (GUI) that interfaces with the dynamic reference repository (110);

and wherein the GUI allows a user to develop, customize, and manage the customizable agent searches (figure 6A-6B).

**With respect to claim 11**, the method of claim 1,

wherein the step of discovering pertinent inputs includes identifying the pertinent inputs from within the plurality of information resources to thereby populate and update the database within the dynamic reference repository (222); and

wherein the step of retrieving pertinent inputs includes culling a set of knowledge resources and producing refined and contextual results (610, col. 2 line 3-5) to populate the database within the dynamic reference repository, to thereby facilitate shared knowledge (108; e.g. sharing information to subscribers).

**With respect to claim 12**, the method of claim 1, wherein the step of discovering the pertinent inputs further comprises one or more of the following; running periodic (fig. 2; e.g. patrolling suggest periodic) prioritized (214; i.e. searching included (specified) web site) customizable agent searches of reference materials(s) (102).

**With respect to claim 15**, the method of claim 1, further comprising

tagging a term and contextually relating the term with its associated information source to allow the term to be differentiated and properly used to thereby maintain integrity of an assigned meaning of the term (figure 7; e.g. virus description data tagged with company names); and

redefining contextually one or more terms and definitions underlying the database responsive to at least one of the discovered pertinent inputs (figure 10-11, metadata 1004-1020; e.g. associating collected data with metadata redefines context).

**With respect to claim 16**, the method of claim 1, wherein discovering pertinent inputs further comprises automated time stamping of the discovered pertinent inputs with current time prior to dissemination of notice thereof to users of the database (1106).

**With respect to claim 17**, A dynamic reference repository system for maintaining a dynamic reference repository, the system comprising: at least one database (110);

at least one information resource (102) operably coupled (104) to the dynamic reference repository (110); and

a processing module (405) operably coupled to the at least one database (110) and operable to execute a set of instructions to:

identify pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) within the at least one information resource (102), the pertinent inputs (abstract; virus description data) comprising data from at least one information resource (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add to (222) collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110),

retrieve the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) from the at least one information resource to update or add (222) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository(110),

manage the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) and,

distribute the pertinent inputs (abstract; virus description data) to update (222) the dynamic reference repository (110).

**With respect to claim 18**, the dynamic reference repository system of claim 17,

wherein, the instructions to identify pertinent inputs to the dynamic reference repository includes those to determine the pertinent inputs in a context of a specified capability (1112-1114);

wherein the processing module is further operable to catalog (figure 10-11) the pertinent inputs to the dynamic reference repository (110),

contextually map (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs to the dynamic reference repository (110) to the specified capability (1112-1114), and

maintain (col. 4 line 8) the pertinent inputs (abstract) to the dynamic reference repository (110); and

wherein the system further comprises at least one customizable agent (100) configured to search and retrieve the pertinent inputs (abstract) to the dynamic reference repository (110) from the at least one information resource (102) and to contextually map (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract) to the dynamic reference repository (110) to the specified capability (1112-1114).

**With respect to claim 19**, the dynamic reference repository of claim 17, wherein the pertinent inputs to the dynamic reference repository can include updates made to the at least one information resource utilized by the processing module as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times).

**With respect to claim 20**, the dynamic reference repository of claim 17,

wherein the instructions to identify pertinent inputs to the dynamic reference repository include those to identify updates made to the at least one information resource utilized by the processing module as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times);

wherein the instructions to identify pertinent inputs to the dynamic reference repository include those to update (222) the database within the dynamic reference repository (110); and

wherein the processing module is further operable to provide notice of the identified updates made to the existing sources of information, to users of the dynamic reference repository (col. 4 line 20-25).

**With respect to claim 21**, the dynamic reference repository system of claim 18, wherein tile at least one information resource comprises at least one of the following: Internet (104), intranet (col. 8 line 57-58), or subject matter experts (SMEs) resources (virus software companies).

**With respect to claim 22,** The dynamic reference repository system of claim 17, further comprising:

at least one customizable agent configured to search and retrieve the pertinent inputs (abstract) to the dynamic reference repository (110) from the at least one information resource (102); and

an interface configured to provide a single common user entry point (106) into the at least one database (110) for a plurality of physically spaced apart users (108 A-C) connected through a corresponding plurality of different networks (106), and configured to allow each of the plurality of users (108) to create, edit, and manage the at least one customizable agents to create, populate, and maintain contextual information (figs 10-11) extracted from the at least one information resource (102) to thereby provide shared knowledge throughout an enterprise (col. 4 line 27-30).

**With respect to claim 26,** the dynamic reference repository system of claim 24, wherein the at least one customizable agent comprises utilities to recognize a global change in a name of a data item (col. 10 line 64; e.g. aliases) in the at least one information resource (102) to retrieve pertinent articles, knowledge, or pieces of information (fig. 8) containing the data item referred to by a different name (alias) in the at least one information resource (102).

**With respect to claim 29,** the dynamic reference repository system of claim 17, wherein the processing module is further operable to discover the pertinent inputs by executing a least one of a (fig. 2; e.g. patrolling suggest periodic) prioritized (214; i.e.

searching included (specified) web site) search of reference material(s) within the at least one information resource (102).

**With respect to claim 30, t**he dynamic reference repository system of claim 17, wherein the processing module is further operable to time stamp the pertinent inputs with current time prior to dissemination of notice to users of the at least one database (1106).

**With respect to claim 31**, A method for populating a dynamic reference repository, comprising:

discovering (col. 7 line 34-35, 1106) pertinent inputs (abstract; virus description data) to the dynamic reference repository (110), the pertinent inputs (abstract; virus description data) comprising data from a plurality of information resources (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add (222) to the collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110);

retrieving (col. 5 line 46-48) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) to update or add (222, col. 7 line 33-36) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository (110);

managing (figure 2) the pertinent inputs to the dynamic reference repository to update or add (222) to the collective knowledge stored in the dynamic reference repository;

cataloging (figure 10-11) the pertinent inputs to the dynamic reference repository (110); and

distributing (collection of data to 110) the pertinent inputs (abstract; virus description data) to populate the dynamic reference repository (110) the discovering (col. 7 line 34-35, 1106), retrieving (col. 5 line 46-48), managing (fig. 2), cataloging (figure 10-11), and distributing (collection of data to 110) performed by a customizable software agent (100) configured to communicate with the plurality of information resources (102) and the stored knowledge in the dynamic reference repository (110).

**With respect to claim 32**, the method of claim 31, wherein the customizable software agent further searches for, discovers, and retrieves the pertinent inputs from subject matter experts (SMEs), and wherein the customizable software agent further comprise utilities to conduct SME reviews, assessments or interviews (fig. 9b).

**With respect to claim 34**, An enterprise architecture including a dynamic reference repository system having a dynamic reference repository, that comprises:

at least one database (110);

at least one information resource (102) operably coupled to the dynamic reference repository (110); and

a processing module (405) operably coupled to the at least one database and operable to execute a set of instructions to:

identify pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) within the at least one information resource (102), the pertinent inputs (abstract; virus description data) comprising data from at least one information resource (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add to (222) collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110),

retrieve the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) from the at least one information resource to update or add (222) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository(110),

manage the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) and,

distribute the pertinent inputs (abstract; virus description data) to update (222) the dynamic reference repository (110).

**With respect to claim 36**, the method of claim 1,

wherein the step of discovering pertinent inputs includes identifying updates (216, 222) made to existing sources of information (102) for the dynamic reference repository (110);

wherein the step of distributing the pertinent inputs includes updating the database within the dynamic reference repository (222); and

wherein the method further comprises the step of disseminating a plurality of user tailored notices (150) of the identified updates to a corresponding plurality of users (subscribers) of the dynamic reference repository (110), each user tailored notice individually tailored for each separate one of the plurality of users (108) responsive to a list of keywords or key subjects of interest to the user (col. 6 line 1-12), provided by the respective user (108, col. 6 line 15-23).

**With respect to claim 38**, the dynamic reference repository system of claim 17, wherein the processing module is further operable to:

tag a term and contextually relate the term with its associated information source to allow the term to be differentiated and properly used to thereby maintain integrity of an assigned meaning of the term (figure 7; e.g. virus description data tagged with company names); and

redefine contextually one or more terms and definitions underlying the at least one database responsive to one or more identified pertinent inputs (figure 10-11, metadata 1004-1020; e.g. associating collected data with metadata redefines context)..

**With respect to claim 39**, the dynamic reference repository system of claim 17,

wherein identifying pertinent inputs includes identifying updates (216, 222) made to existing sources of information (102) for the dynamic reference repository (110);

wherein distributing the pertinent inputs includes updating the at least one database within the dynamic reference repository (222); and

wherein the processing module is further operable to disseminate a plurality of user tailored notices (150) of the identified updates to a corresponding plurality of users (subscribers) of the dynamic reference repository (110), each user tailored notice individually tailored for each separate one of the plurality of users (108) responsive to a list of keywords or key subjects of interest to the user (col. 6 line 1-12), provided by the respective user (108, col. 6 line 15-23).

**With respect to claim 41**, the method of claim 31,

wherein the step of discovering pertinent inputs includes determining the pertinent inputs in a context of a specified capability (220); and

wherein the method further comprises contextually mapping the pertinent inputs to the dynamic reference repository to the specified capability (1112-1114).

**With respect to claim 42**, the enterprise architecture as defined in claim 34, wherein the processing module is further operable to recognize a global change in a name of a data item (col. 10 line 64; e.g. aliases) in the at least one information resource (102) to retrieve pertinent articles, knowledge, or pieces of information (fig. 8) containing the data item referred to by a different name (alias) in the at least one information resource (102).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8, 13, 23, 25, 27, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmugar as applied to claims 1-5, 10-12, 15-22, 26, 29-32, 34, 36, 38-39, and 41-42 above in view of Aaron (U.S. Patent Application 2005/0015382)

**With respect to claim 8**, Schmugar does not expressly teach wherein pertinent inputs are contained in, and retrieved by the automated software agent from communications addressed to the dynamic reference repository for storage within the dynamic reference repository wherein the communications addressed to tile dynamic reference repository, are e-mails addressed to the dynamic reference repository.

Aaron, however, teaches wherein pertinent inputs are contained in, and retrieved by the automated software agent from communications addressed to the dynamic reference repository for storage within the dynamic reference repository wherein the communications addressed to tile dynamic reference repository, are e-mails addressed to the dynamic reference repository (0041, 0052, and 0053) for parsing email communications for pertinent inputs.

In the same field of endeavor, (i.e. data mining and knowledge retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the

present invention to combine the teachings of the cited references because parsing the email communications provided by Aaron would have given Schmugar a further source of information for obtaining and collecting data. Optimally this would have benefited Schmugar by providing a wider scope of data and further that only pertinent data would reside; thus leaving useful knowledge for subscribers.

**With respect to claim 13**, Schmugar teaches

wherein the customizable agent (100) searches are neutral to document format (col. 3 line 49-53):

wherein the pertinent inputs further comprise documents from plurality of sources (102) and in a plurality of document formats (col. 3 line 52);

wherein the plurality of document formats comprise electronic forms that further comprise MS Office (col. 3 line 52, col. 8 line 42), web document (col. 3 line 52), and e-mail document compatible forms; and

wherein the customizable agent integrates the documents having a plurality of document formats into a common standard format used within an enterprise architecture system (col. 4 line 27-30).

Although Schmugar teaches email capability (e.g. col. 6 line 21), Schmugar does not expressly teach e-mail document compatible forms for pertinent inputs.

Aaron, however, teaches e-mail document compatible forms for pertinent inputs (0041, 0052, and 0053).

In the same field of endeavor, (i.e. data mining and knowledge retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because parsing the email communications provided by Aaron would have given Schmugar a further source of information for obtaining and collecting data. Optimally this would have benefited Schmugar by providing a wider scope of data and further that only pertinent data would reside; thus leaving useful knowledge for subscribers.

**With respect to claims 23, 25, 27, and 33**, these claims essentially contain the same subject matter as in claims 8 and 13 addressed above and are rejected accordingly for the same rationale.

Claims 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmugar as applied to claims 1-5, 10-12, 15-22, 26, 29-32, 34, 36, 38, 39, and 41-42 above, and further in view of Anwar et al ('Anwar' hereafter) U.S. Patent Application 2001/0047355.

**With respect to claim 37 and similar claim 40**, Schmugar does not appear to expressly teach dynamically updating a search for a user searching the dynamic reference repository responsive to search habits of the user to optimize search results for the user; and updating a next search responsive to user input rejecting gathered information gathered during a first search to optimize search results for the user.

Anwar, however, teaches dynamically updating a search for a user searching the dynamic reference repository responsive to search habits (0054) of the user to optimize search results for the user; and updating a next search responsive to user input rejecting gathered information gathered during a first search (0054, e.g. results ratings) to optimize search results for the user (0054) for tracking user behavior such as search habits.

Accordingly, in the same field of endeavor, (i.e. search retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Anwar's technique of utilizing user search behavior such as searching habits and results rating would have provided to Schmugar more quality results such that the results are more optimized and relevant for a subscriber.

Claim 40 recites essentially the same subject matter and therefore is rejected on the same grounds as claim 37.

***Response to Arguments***

Applicant's arguments with respect to the present claims have been considered but are moot in view of the new ground(s) of rejection.

The Examiner further remarks that although considered pertinent to the present claims, although Tafoya appears to suggest use of a query agent (e.g. 0034 – database query), Tafoya does not appear to teach at least an automated software agent that

provides the function of discovering, retrieving, *and mapping* of pertinent inputs. Thus the introduction of the Schmugar reference teaches at least this limitation.

In response to arguments pertaining to the Aaron reference (page 26 of the remarks) the Examiner respectfully believes the arguments have been addressed in the above rejection. The new combination of this reference renders the arguments moot.

## ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT TIMBLIN whose telephone number is (571)272-5627. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/
Supervisory Patent Examiner, Art Unit 2167

/ROBERT TIMBLIN/
Examiner, Art Unit 2167